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ALLEN, MOLINE & HAROLD

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FILE

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June 26, 1992

RECEIVED

JUN 26 1992

Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

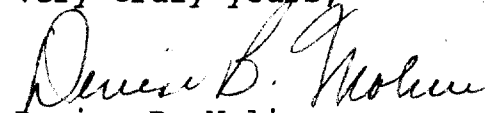
Re: MM Docket No. 92-50  
Clemson, South Carolina  
M&A #15120

Dear Ms. Searcy:

On behalf of Clemson Broadcasting, Inc., ("CBI") Applicant in the above-referenced Docket proceeding for a new FM Station at Clemson, South Carolina, there is transmitted herewith a Supplement to Comments of Clemson Broadcasting, Inc.

Should there be any question regarding the attached Supplement please contact the undersigned.

Very truly yours,

  
Denise B. Moline

DBM:wp  
Attachment

No. of Copies rec'd 0 + 6  
List A B C D E

ORIGINAL

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C.

In re Applications of	)	<b>MM DOCKET NO. 92-50</b>
	)	
GOLDEN CORNERS BROADCASTING, INC.	)	FILE NO. BPH-901218MH
	)	
FISHER COMMUNICATIONS OF	)	FILE NO. BPH-901219MB
CLEMSON, INC.	)	
	)	
CLEMSON BROADCASTING, INC.	)	FILE NO. BPH-901219MD
	)	
	)	<b>RECEIVED</b>
For Construction Permit for a	)	
New FM Station on Channel 285A	)	
Clemson, South Carolina	)	<b>JUN 26 1992</b>

To: Honorable Walter C. Miller  
Administrative Law Judge

Federal Communications Commission  
Office of the Secretary

**SUPPLEMENT TO COMMENTS OF CLEMSON BROADCASTING, INC.**

Clemson Broadcasting, Inc., ("CBI"), by Counsel, respectfully submits the instant Supplement to the Comments of Clemson Broadcasting, Inc. filed on June 19, 1992, and requests that the instant Supplement be considered in support of the Parties' Joint Petition for Approval of Settlement, as amended by the Parties' Joint Amendment to the Joint Petition, filed simultaneously herewith.

In its Comments of June 19, 1992, CBI noted that it would demonstrate that its failure to report the designation for hearing of the license of Alee Cellular Communications in CC Docket No. 91-142 was inadvertent and unintentional. Attached hereto are the Declarations of CBI's two principals, Cheryl M. Lee and Becky Jo Clark. Both principals state that they were prepared to disclose their cellular interests at the time of filing, but for the fact

that that information is not called for in the broadcast application. Further, both principals indicate that they believed the cellular hearings to be a matter of public record. In any event, neither was aware of any requirement to affirmatively disclose the fact of Alee's involvement in the hearings in CBI's broadcast application, and quite simply, neither thought to mention the fact of Ms. Clark's involvement in the cellular hearings to CBI's FCC Counsel. It is significant that the Alee license was designated for hearing and that the hearings were held during the processing period of CBI's broadcast application, when there was relatively little contact between CBI and its FCC Counsel. Furthermore, since there was only minimal contact between CBI's FCC Counsel and Ms. Clark after CBI's formation and the initial filing of its application, and since Alee's FCC Counsel did not suggest to Ms. Clark that she advise CBI's FCC Counsel of her involvement in the cellular hearings, the omission is understandable.<sup>1</sup>

Thus, the failure to report Ms. Clark's involvement in the cellular hearings was a simple omission, arising from the principals' obvious assumption that it was not necessary to report a matter which was of public record at the same agency, and/or their lack of awareness of any affirmative requirement to report that matter, (which had no connection to CBI's broadcast application) in this proceeding. Both principals have affirmatively declared that they had no intention to hide Ms.

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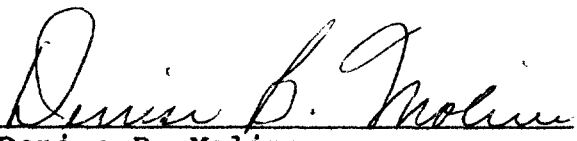
<sup>1</sup>Undersigned Counsel for CBI has never spoken to, and is not acquainted with Alee's Counsel.

Clark's involvement in the cellular hearings. Nor, since the matter was of public record, did they think there was anything to hide.

WHEREFORE, in view of the foregoing, CBI respectfully requests that the Presiding Judge ACCEPT the instant Supplement and consider it in connection with the Parties' Joint Amendment to Joint Petition for Approval of Settlement.

Respectfully submitted,

CLEMSON BROADCASTING, INC.

By:   
Denise B. Moline  
Its Attorney

Allen, Moline & Harold  
10500 Battleview Parkway, Suite 200  
P.O. Box 2126  
Manassas, VA 22110

(703) 361-2278

June 26, 1992

DECLARATION OF CHERYL M. LEE

I, Cheryl M. Lee, hereby declare as follows:

I am the sole voting shareholder, President and Director of Clemson Broadcasting, Inc., ("CBI") applicant for a new FM Station at Clemson, South Carolina, MM Docket No. 92-50. I understand that this statement will be submitted in connection with an Amendment to the parties' Joint Petition for Approval of Settlement Agreement filed on May 4, 1992.

Neither I nor CBI have ever intended to deceive the Commission in connection with its application for a new FM station at Clemson, South Carolina, or to hide the fact of Ms. Becky Jo Clark's involvement with Alee Cellular Communications (Alee) or Alee's involvement in cellular hearings at the Commission.

CBI filed its application in December, 1990, before Ms. Clark and Alee became involved in cellular hearings. Of course, I knew of Ms. Clark's cellular interests, and knew that Alee had filed a number of cellular applications with the FCC. I also had cellular interests in cellular companies with applications on file at the FCC. I mentioned these cellular interests to CBI's FCC Counsel in connection with filling out the broadcast application, since the application form for the FM Station does not request information on cellular interests, but only requests information regarding other broadcast interests or applications. I was advised that the application form did not call for a list of cellular interests, and that it was not necessary to provide the information. However, CBI and its principals were certainly willing to disclose these interests at the time of filing of the application for Clemson, South Carolina, and have been ever since.

I was never aware of any requirement to disclose Becky Jo Clark's or Alee's involvement in the cellular hearings in connection with CBI's broadcast application. I knew that Ms. Clark was involved with these hearings, but did not think to mention that matter to CBI's FCC Counsel. CBI's Counsel, Ms. Moline, has never represented Alee at any time with respect to its cellular matters. Nor did Ms. Clark suggest to me that I should report Alee's involvement in the cellular hearings in connection with CBI's application. Also, I understood that the cellular hearings are a matter of public record.

Again, I have never intended any misrepresentation in connection with CBI's application. Any failure to report Becky Jo Clark's or Alee's involvement in the cellular hearings was inadvertent, and completely unintentional.

The foregoing is true and correct to the best of my knowledge, information and belief.

6-24-92  
Date

Cheryl M. Lee  
Cheryl M. Lee

DECLARATION OF BECKY JO CLARK

I, Becky Jo Clark, hereby declare as follows:

I have never intended to deceive the Commission in connection with the application of Clemson Broadcasting, Inc. (CBI) for a new FM station at Clemson, South Carolina, or to hide the fact of my involvement with Alee Cellular Communications (Alee) or Alee's involvement in CC Docket No. 91-142.

CBI filed its application in December, 1990, before the Common Carrier Bureau released its Order to Show Cause in CC Docket No. 91-142. To the best of my knowledge, the application form for the FM Station does not request disclosure of cellular interests, and all questions in the application form relate to other broadcast interests or applications. However, I was certainly willing to disclose my interest in Alee at the time of filing of my application, and have been ever since. I mentioned my cellular interests to CBI's Counsel and Ms. Lee, CBI's voting shareholder, in connection with providing information for the application, but was informed that the application form did not call for a listing of cellular interests.

I was never aware of any requirement to disclose Alee's involvement in the cellular hearings in connection with CBI's broadcast application. As a passive investor in CBI, I had very little contact with CBI's FCC Counsel, except during the formation stages of CBI. CBI's Counsel, Ms. Moline, has never represented Alee at any time with respect to its cellular matters. Alee's FCC Counsel did not suggest to me that I should report Alee's involvement in the cellular hearings in connection with my other communications interests. Moreover, CBI's application was relatively dormant for well over a year before its designation for hearing, and I had no involvement in any of the amendments which were filed during the interim. As an active partner in Alee, I was focused on Alee's difficulties, and not on CBI. Also, I understood that the cellular hearings are a matter of public record.

Again, I have never intended any misrepresentation in connection with CBI's application. Any failure to report Alee's involvement in the cellular hearings was inadvertent, and completely unintentional.

The foregoing is true and correct to the best of my knowledge, information and belief.

6-18-92  
Date

Becky Jo Clark  
Becky Jo Clark

CERTIFICATE OF SERVICE

I, Constance E. Carreiro of the Law Firm of Allen, Moline & Harold, do hereby certify that I have caused to be served, this 26th day of June, 1992, by First-class mail, postage prepaid, a copy of the foregoing "Supplement to Comments of Clemson Broadcasting, Inc." on the following:

- \* Honorable Walter C. Miller  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Suite 213  
Washington, D.C. 20554
- \* Paulette Laden, Esq.  
Hearing Branch  
Federal Communications Commission  
2025 M Street, N.W., Room 7212  
Washington, D.C. 20554  
Counsel for the Mass Media Bureau

Barbara L. (Pixie) Waite, Esq.  
Benable, Baetjer, Howard & Civiletti  
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Washington, D.C. 20005-3917  
Counsel for Golden Corners Broadcasting, Inc.

Gary S. Smithwick, Esq.  
Smithwick & Belendiuk, P.C.  
1990 M Street, N.W., Suite 510  
Washington, D.C. 20036  
Counsel for Fisher Communications of Clemson, Inc.

  
\_\_\_\_\_  
Constance E. Carreiro

\*Courtesy Copy-Hand Delivered